

Notice of Allowability

Application No.

10/609,320

Examiner

Tam Nguyen

Applicant(s)

FORCILLO, JOHN

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3-22-07.
2. ☒ The allowed claim(s) is/are 11-18, 21-30, 32-35, 37 and 41.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

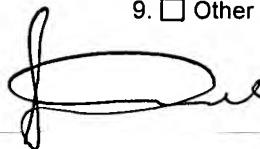
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 8-17-07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



JEROME DONNELLY
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Peter W. Gowdey on Friday, August 17, 2007.

In the Specification:

In the specification on Page 1, delete line 5 and insert
--now abandoned, #09/696,948, now Patent No. 6,669,603 and #10/008,414, now
Patent No. 6,612,970.--

In the claims:

Claims 19, 20, 31, 36 and 38 are canceled.

In claim 11, on line 2, delete "a frame comprising;" and insert --a bicycle frame, the
braking system comprising:--

In claim 11, between lines 2 and 3, insert --a bicycle frame;--

In claim 11, on lines 3-4, delete "wheel to provide rotational resistance there against,
and" and insert --wheel, that is mounted to the bicycle frame, to provide rotational
resistance to the wheel, and--.

In claim 11, on line 5, delete "mechanism operable" and insert --mechanism disposed
on the frame and operable--.

In claim 12, on line 2, insert --that is-- after "surface".

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In claim 14, on line 3, insert --held-- after "being".

In claim 16, on line 3, delete "inward" and insert --downward--.

In claim 26, on line 2, delete "bicycle comprising;" and insert --bicycle, the tensioning mechanism comprising:--

In claim 26, between lines 2 and 3, insert

--a bicycle frame;

a friction brake engageable against a flywheel, that is mounted to the bicycle frame, to provide rotational resistance to the flywheel;--

In claim 26, on line 3, delete "a friction brake" and insert --the friction brake--:

In claim 26, on lines 4-5, delete "a frame" and insert --the frame--.

In claim 26, on line 5, delete "a flywheel" and insert --the flywheel--.

In claim 26, on line 7, delete "and member" and insert --and the member--.

In claim 26, on line 8, insert --the-- before "friction brake".

In claim 32, on line 2, delete "bicycle comprising;" and insert --bicycle, the tensioning mechanism comprising:--

In claim 32, after 2, insert

--a bicycle frame;

a friction pad engageable against a flywheel, that is mounted to the bicycle frame, to provide rotational resistance to the flywheel;--

In claim 32, delete line 3 and insert --a rod, operatively disposed on the frame, having a knob at a top end of the rod;--

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In claim 32, on lines 4-5, delete "of a force between a flywheel and a friction pad" and insert --of a braking force between the flywheel and the friction pad--.

In claim 32, on line 8, delete "a force" and insert --the force--.

In claim 37, on line 2, delete "bicycle comprising;" and insert --bicycle, the tensioning mechanism comprising:--

In claim 37, after line 2, insert

--a bicycle frame;

a friction pad engageable against a flywheel, that is mounted to the bicycle frame, to provide rotational resistance to the flywheel;--

an adjustment device comprising a rod operatively disposed on the frame;--

In claim 37, delete line 3.

In claim 37, on lines 4-5, delete "of a force between a flywheel and a friction pad by positioning said rod" and insert --of a braking force between the flywheel and the friction pad by the positioning of said rod--.

In claim 41, on line 2, delete "comprising a force transmitting member operatively linked to a friction pad" and insert --the biasing mechanism comprising a bicycle frame, a force transmitting member operatively linked to the frame and a friction pad.--.

In claim 41, on lines 3-4, delete "a flywheel, and a" and insert --a flywheel mounted to the bicycle frame, with the--.

In claim 41, on line 8, delete "adapted to be immobile relative to a frame" and insert --that is immobile relative to the frame--.

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

In view of the applicant's amendments and after further consideration of the invention, the claims as presented avoid the prior art of record. The prior art does not disclose a frictional resistance mechanism for an exercise bicycle that includes a braking device having a biasing member that is gradually compressed as the braking force is increased wherein the biasing member can be further compressed abruptly to quickly allow for the brake to be released.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

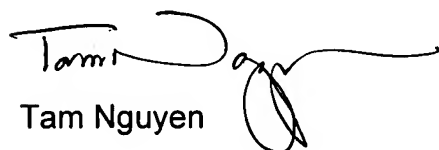
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam Nguyen whose telephone number is 571-272-4979. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on 571-272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 18, 2007


Tam Nguyen

JEROME DONNELLY
PRIMARY EXAMINER

